



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 36-00

26 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 6 February 1952 at age 17. The record shows that during the period 18 July 1952 to 24 December 1953, you received nonjudicial punishment on four occasions and were convicted by a summary court-martial and a special court-martial. Your offenses were four periods of unauthorized absence totaling about 27 days, breaking restriction, dereliction of duty, insubordination, possession of another person's clothing and disobedience. In addition, there is another 28 day period of unauthorized absence for which there is no disciplinary action in the record.

A second special court-marital convened on 15 March 1954 and convicted you of an unauthorized absence of about 28 days, missing movement and breaking restriction. The sentence of the court included a bad conduct discharge, which was suspended for a probationary period of six months. Subsequently, you were an unauthorized absentee for about six hours on 16 July 1954. However, no disciplinary action was taken.

On 14 December 1954 the commanding officer recommended that you be discharged for unfitness with an undesirable discharge. On 10

January 1954 this recommendation was approved by the discharge authority. That same day, you were convicted by a summary court-martial of an unauthorized absence of about 12 hours and disobedience. The undesirable discharge was issued on 10 December 1955.

In its review of your application the Board carefully weighted all potentially mitigating factors, such as your youth and limited education. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your frequent and serious misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Copy to:
The Disabled American Veterans